

HONORABLE BENJAMIN H. SETTLE

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

"AMY", "VICKY" and "ALICE",  
Plaintiffs,  
v.  
DOUGLAS LANE PROBSTFELD,  
Defendant.

NO. 3:15-CV-05434-BHS

DECLARATION OF ROBERT Y.  
LEWIS IN SUPPORT OF  
MOTION TO PROCEED WITH  
PSEUDONYMS

NOTE ON MOTION CALENDAR:  
OCTOBER 16, 2015

I, ROBERT Y. LEWIS, hereby declare under penalty of perjury that the following  
is true and correct:

I represent the Plaintiff "Amy" in this action (Amy).

I make this Declaration in support of Amy's motion to proceed via  
pseudonym herein.

I have good reason to believe and do believe that, as explained below  
that: (i) the Defendant is indebted to Amy pursuant to 18 U.S.C. §§ 2225(a) and

DECLARATION OF ROBERT Y. LEWIS IN  
SUPPORT OF MOTION TO PROCEED  
WITH PSEUDONYMS - 1

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2255(A)(f) which provide statutory compensation to a plaintiff who is a victim of a defendant's transportation and possession of child pornography, with respect to Section 2255 in an amount not less than \$150,000.00 over and above all proper credits and offsets and, (ii) that Amy will suffer substantial harm should her request to proceed via pseudonym be denied. Further, Amy has received notice from the Department of Justice that she is a victim of Defendant Probstfeld's criminal offense and the District Court included restitution for Amy as a part of Defendant's sentence in the criminal matter.

#### **THE BASIS FOR THE DECLARATION**

In making this Declaration and coming to the above stated belief, I have relied on my personal knowledge of the following documents:

- (i) Amy's Victim Impact Statement, attached hereto as Exhibit 1 (Ex.1);
- (ii) Psychiatric Evaluation of Amy by Joyanna L. Silberg (Silberg Report), dated November 21, 2008, attached hereto as Exhibit 2 (Ex. 2); and
- (iii) Smith Economics Group, Ltd. Report determination of Amy's economic and value of life damages (SEG Report), dated September 15, 2008, attached hereto as Exhibit 3 (Ex. 3);

As Amy explained in her Victim Impact Statement, when she was four years old, she was raped and sexually exploited in order to produce child sex abuse images for consumers and collectors of child pornography, attached hereto as (Ex. 1. p.1);

1 The primary reason Amy was raped and forced to endure cunnilingus,  
2 fellatio and digital penetration was to provide child pornography for an end user-  
3 collector whose demand for child sex abuse images directly led to her physical  
4 and psychological abuse and exploitation.

5 As Amy explained in her victim impact statement:  
6

7 I want it all erased. I want it all stopped. But I am powerless to  
8 stop it just like I was powerless to stop [the abuse]. The truth is, I  
9 am being exploited and used every day and every night somewhere  
10 in the world by someone. How can I ever get over this when the  
11 crime that is happening to me will never end? How can I get over  
12 this when the shameful abuse I suffered is out there forever and  
13 being enjoyed by sick people?

14 Ex. 1, p.1 & p.3).

15 As Dr. Silberg explained in the Silberg Report, a true and correct copy  
16 submitted at Ex. 2)

17 [A]t the age of 17, Amy was informed through legal notifications  
18 about the widespread presence of her picture on the internet,  
19 illustrating to her that in some ways the sexual abuse of her has  
20 never really ended. This knowledge further exacerbated her  
21 symptoms, interfered with her ability to overcome the increasing  
22 symptoms of post traumatic stress, and impeded her ability to move  
23 on with her life.

24 \*\*\*

25 [T]here has been a resurgence of the trauma with her ongoing  
realization that her image is being traded on the internet.  
Specifically, Amy mentions fear of discovery, shame, fears of the  
traumatization of others, and renewed self-blame about her  
participation.

Ex. 2, p.3 & p.4); *see also* Ex. 2, p.10 ("The ongoing awareness that the  
pictures are out there interferes significantly with the therapeutic resolution of

1 these problems, as she lives in an enduring state of feeling that she can never  
2 really escape or get away from he abuse.”)

3 As Amy explained in her Victim Impact Statement, “Every day of my life I  
4 live in constant fear that someone will see my pictures and recognize me and  
5 that I will be humiliated again. It hurts me to know someone is looking at them -  
6 at me - when I was just a little girl being abused for the camera.” (Ex. 1, p.1).

7 After evaluating Amy and reviewing relevant records, Dr. Silberg drew  
8 the following conclusions to a reasonable degree of psychological certainty:

9  
10 The sexual assault perpetrated against Amy, and its continued  
11 memorialization in pictures which continue to be traded and used  
12 affect her in a variety of ways, and has long lasting and life  
13 changing impact on her.

14 Specifically, she has experienced significant effects in the following  
15 areas: Mood regulation, cognitive distortions, feelings of shame,  
16 self-blame, and guilt, self-esteem, alcohol abuse, dissociation,  
17 academic progress, interpersonal relationships, and vocational  
18 success. In addition, despite some resolution of Amy’s post-  
19 traumatic symptoms when she was younger, Amy continues to  
20 have the hallmark feature of posttraumatic stress disorder which  
21 includes intrusive images, attempts at avoidance and denial, and  
22 hyper arousal.

23 These posttraumatic symptoms and effects of sexual abuse are  
24 more resistant to treatment than those that would normally follow a  
25 time limited trauma, as her awareness of the continued existence of  
the picture and their criminal use in a widespread way leads to an  
activation in these symptoms. She is flooded with memories of  
what happened to her, since she knows at any moment others  
might see these. She tries to avoid this knowledge with unhealthy  
coping strategies ...and she is overwhelmed with feelings of  
shame, self-blame and guilt. Planning for the future becomes  
difficult as planning involves thinking and processing her fears of  
the reality of these images, that she does not want to face or re-  
experience. Difficulty with planning and the presence of

1 dissociation has led to her inability to follow through with  
2 educational and vocational plans. Furthermore Amy has ongoing  
3 problems with trust in relationships which has interfered with  
4 working with authorities in jobs and interpersonal relationships.

(Ex 2, p.8).

5 Also submitted at Exhibit 3 is a true and correct copy of the SEG Report.  
6 That report calculated that to age 67 Amy's discounted, present value, net  
7 economic losses included (i) earning of \$2,855,173 (assuming work to age 67);  
8 and, (ii) costs of counseling of \$512,681. (Ex. 3, p.11).

9 In addition, the SEG Report found that Amy will suffer \$8.8 million in  
10 diminished value and enjoyment of life. (*Id.*)

11 DATED this 28th day of September, 2015, at New York, New York.

12  
13 MARSH LAW FIRM PLLC

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